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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,860	11/07/2005	Timothy E. Wilson	11694/04407	1899
27483 7590 03/27/2008 CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114				
EXAMINER VAN, QUANG T				
ART UNIT		PAPER NUMBER		
3742				
MAIL DATE		DELIVERY MODE		
03/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,860

Applicant(s)

WILSON ET AL.

Examiner

Quang T. Van

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 24, 26, 27 and 52-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-18, 24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-12, 19-21, 52, 53 and 55-57 is/are rejected.
- 7) ☒ Claim(s) 6, 13, 22, 23, 27 and 54 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/4/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Objections

1. Claim1 is objected to because of the following informalities: “; and” recited in lines 12-13, should be deleted, since all sentences have been cancelled after the word “and”. Correction is required.
2. Claim 27 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In this case, claim 27 is depended to claim 25, which has already been canceled. Correction or cancel of the claim is requested.
3. **NOTE:** For purpose of examination, it is presumed that claim 27 depends on claim 24.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-5, 7-12, 19-21, 28-31, 55 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprenger et al (US 5,821,504), cited by applicants, in view of Yamagishi et al (US 3,912,846). Sprenger discloses an induction heating system for 360° curing of can body coatings comprising a housing (104); a tube (106) in said housing (104) defining a generally enclosed space in said housing through which

the workpieces (102) travel as they move through said apparatus, said tube (106) having an inlet end (105) for receiving workpieces (102) and an outlet end (107) for discharging workpieces (102); an induction coil (108) for heating the workpieces (102) as they move through said enclosed space (106); an air inlet in said tube for enabling air to flow into said enclosed space (col. 6, lines 66-67 and col. 7, lines 1-5); an air outlet (107) in said tube (106) for enabling air to flow out of said enclosed space to the exterior of said housing (104). However Sprenger does not disclose an inlet hub that is connected to said housing and that supports said tube inlet end, and an outlet hub that is connected to said housing and that supports said tube outlet end; and air outlet in said outlet hub that is in fluid communication with a suction device. Yamagishi discloses an inlet hub (42, Figure 7) that is connected to said housing (41) and that supports said tube inlet end, and an outlet hub (46c) that is connected to said housing (41) and that supports said tube outlet end; and air outlet in said outlet hub (46C) that is in fluid communication with a suction device (col. 7, lines 15-16). It would have been obvious to one ordinary skill in the art at the time the invention was made to utilize in Sprenger an inlet hub that is connected to said housing and that supports said tube inlet end, and an outlet hub that is connected to said housing and that supports said tube outlet end; and air outlet in said outlet hub that is in fluid communication with a suction device as taught by Yamagishi in order to enable air to flow into said enclosed space and enable air to be suctioned out of said enclosed space to outside of said housing. With regard to claim 55, Sprenger also discloses the temperature sensor (119) which is non-contact sensor disposing at the middle of the tube. It would have been obvious to

one ordinary skill in the art at the time the invention was made to use the temperature sensor which contacts to the workpiece at the end of the tube. Doing so would provide more accurate reading on the temperature of the heated object at the outlet end.

6. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sprenger et al (US 5,821,504), cited by applicants, in view of Yamagishi et al (US 3,912,846), and further in view of Orcel et al (US 5,970,083). Sprenger and Yamagishi disclose substantially all features of the claimed invention except said inlet hub and said outlet hub are inside said housing. Orcel discloses inlet hub (36) and outlet hub (38) are inside the housing. It would have been obvious to one ordinary skill in the art at the time the invention was made to make inlet hub and said outlet hub are inside the housing instead of outside said housing, since it has been held that rearranging parts of an invention involves only routine skill in the art.

7. Claims 14-18, 24 and 26 are allowed.

8. Claims 6, 13, 22-23, 27 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

9. Applicant's arguments with respect to claims 1-18, 24, 26-27, and 52-57 have been considered but are moot in view of the new ground(s) of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 5:00Pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quang T Van/
Primary Examiner, Art Unit 3742
March 18, 2008

Quang T Van
Primary Examiner
Art Unit 3742